

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Petition for Summons for Offender Under Supervision

Name of Offender

Michael Chen

Docket Number

0971 3:09CR00149-001 MMC

Name of Sentencing Judge:

The Honorable Maxine M. Chesney
Senior United States District Judge

Date of Original Sentence:

January 30, 2013

Original Offense:

Counts One and Four through Twelve: Willfully Subscribing a False Income Tax Return and Aiding and Abetting, 26 U.S.C. § 7206(1) and 18 U.S.C. § 2(b), Class E Felonies;

Counts Two and Three: Willfully Failing to File Income Tax Return, 26 U.S.C. § 7203, Class A Misdemeanors;

Counts Thirteen through Twenty-One: Mail Fraud, 18 U.S.C. § 1341, Class C Felonies

Original Sentence: 33 months and two (2) days imprisonment; three (3) years supervised release

Special Conditions: \$1,950 special assessment; \$459,105 in restitution; shall comply with Immigration and Customs Enforcement, and if deported not to reenter the United States without consent of the Secretary of the Department of Homeland Security; provide USPO with any financial information; shall not open new credit lines without permission; shall not maintain a position of fiduciary without permission; shall cooperate with IRS and pay any outstanding tax liability; shall timely file future tax returns; search by USPO; shall not own firearms, ammunition, destructive devices, or other dangerous weapons; and DNA collection

Prior Form(s) 12: None

Type of Supervision

Supervised Release

Assistant U.S. Attorney

Damali Taylor

Date Supervision Commenced

November 9, 2016

Defense Counsel

George Boisseau (Appointed)

Petitioning the Court

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on April 26, 2018, at 9:30 a.m.

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I, Kevin Maynor, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

<u>Charge Number</u>	<u>Violation</u>
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One	There is probable cause to believe that the offender violated standard condition number five which states, in part, he shall work regularly at a lawful occupation, unless excused by the probation officer.
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On November 9, 2016, Mr. Chen commenced supervision in the Central District of California. Mr. Chen has been strongly encouraged to seek and locate employment. However, Mr. Chen has remained unemployed during his entire time on supervision.

Evidence in support of this charge includes the Notification of Alleged Violation dated March 20, 2018, signed by the supervising probation officer from Central District of California.

<u>Charge Number</u>	<u>Violation</u>
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Two	There is probable cause to believe that the offender violated special condition number which states, in part, he shall pay any restitution and special assessment that is imposed by the judgment.
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On January 30, 2013, Mr. Chen was ordered to pay restitution in the amount of \$459,105 and a special assessment in the amount of \$1,950. He was given special instructions to make payments of at least \$100 per month during his term of supervision.

Mr. Chen is delinquent of the Court's order. Since commencing supervision, he has made six payments of \$100. Mr. Chen last made a payment on September 14, 2017. Mr. Chen has continued to assert that he was wrongfully convicted and that the restitution ordered is without merit.

Evidence in support of this charge includes the Notification of Alleged Violation dated March 20, 2018, signed by the supervising probation officer from Central District of California. Additional evidence in support of this charge includes a review of the Offender Payment Enhanced Report Access (OPERA).

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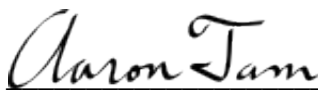
Based on the foregoing, there is probable cause to believe that Michael Chen violated the conditions of his supervised release.

Respectfully submitted,

Reviewed by:



Kevin Maynor
U.S. Probation Officer
Date Signed: April 12, 2018



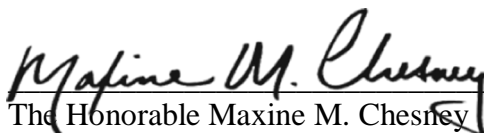
Aaron Tam
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on April 26, 2018, at 9:30 a.m.
- ☐ Other:

April 12, 2018

Date


The Honorable Maxine M. Chesney
Senior United States District Judge

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APPENDIX

Grade of Violations: C [USSG §7B1.1(a)(3), p.s.]

Criminal History at time of sentencing: I

	Statutory Provisions	Guideline Provisions
Custody:	<p>Counts One and Four through Twelve: One year</p> <p>Counts Two and Three: One year</p> <p>Counts Thirteen to Twenty-One: Two years 18 U.S.C. § 3583(e)(3)</p>	<p>3-9 months USSG §7B1.4(a), p.s</p>
Supervised Release:	<p>Counts One and Four through Twelve: One year minus any custody time imposed</p> <p>Counts Two and Three: One year minus any custody time imposed</p> <p>Counts Thirteen to Twenty-One: Three years minus any custody time imposed 18 U.S.C. § 3583(h)</p>	<p>Counts One and Four through Twelve: One year minus any custody time imposed</p> <p>Counts Two and Three: One year minus any custody time imposed</p> <p>Counts Thirteen to Twenty-One: Three years minus any custody time imposed USSG §7B1.3(g)(2), p.s.</p>
Probation:	Not applicable	Not applicable